

**SOUTH STRABANE TOWNSHIP
ZONING HEARING BOARD
REGULAR MEETING MINUTES**

AUGUST 8, 2022

APPROVED MEETING MINUTES

On Monday, August 8, 2022 at 6:00 p.m., after due advertisement according to law, a Public Meeting of the South Strabane Township Zoning Hearing Board (“ZHB”) was held at the Municipal Building (550 Washington Road, Washington, PA 15301) and the following were present:

Art Sullivan, Chairperson
James Stewart, Vice-Chairperson
Michele Tysiak

Also Present

Brandon Stanick, Township Manager
Paris Szalla, Administrative Intern
Michael Cruny, ZHB Solicitor
Sheila Rozanc, Stenographer

1. PLEDGE OF ALLEGIANCE

Chair Sullivan lead the Pledge of Allegiance.

2. APPROVAL OF THE ZONING HEARING BOARD MEETING MINUTES

Chair Sullivan moved to approve the July 11, 2022 Meeting Minutes and July 25, 2022 Special Meeting Minutes as presented. Ms. Tysiak seconded the motion. The motion passed on a unanimous voice vote.

3. ADMINISTRATION OF OATH

Ms. Rozanc administered the oath to those in attendance.

4. PUBLIC HEARING: CONSIDERATION OF AN APPLICATION FROM EAT’N PARK HOSPITALITY GROUP REQUESTING A VARIANCE FROM SECTIONS 245-191B(1) AND 245-191B(2) TO ALLOW THE CONSTRUCTION OF TWO ELECTRONIC CHANGEABLE COPY SIGNS, 37.125 SQUARE FEET IN SIZE, WITHIN 500 FEET OF A SIGNALIZED INTERSECTION FOR THE PROPERTY LOCATED AT 320 OAK SPRING ROAD IN THE C-2 ZONING DISTRICT AND ANY OTHER ZONING RELIEF REQUIRED

Nick Seibel, Project Manager for Eat’n Park Hospitality Group (“Applicant”), representing the Applicant, presented an overview of their request. Mr. Seibel stated the Applicant has found an electronic changeable copy sign is the best option for providing consistent, accurate messaging while mitigating the risk for vandalism and providing for the safety of their employees. He stated

it is necessary for the sign to be double-sided due to the position of the existing pole sign on which it will be mounted.

Chair Sullivan expressed his concern the current signage was not constructed in a manner consistent with how it was approved. He indicated an unwillingness to take action without fully understanding how the existing signage came into noncompliance and the full scope of the error. Chair Sullivan expressed concerns regarding the size of the electronic changeable copy sign and its proximity to the Township's fire station located at 172 Oak Spring Road. A discussion followed.

At 6:07 p.m. Ms. Tysiak moved to adjourn into Executive Session to discuss potential litigation. Chair Sullivan seconded the motion. The motion passed on a unanimous voice vote. The ZHB returned from Executive Session at 6:13 p.m.

Chair Sullivan reiterated the ZHB's concerns regarding the electronic changeable copy sign and asked the Applicant if they would be able to look at all the signage for the Property to see if any improvements can be made so the signage is less intrusive. Mr. Seibel stated they would be willing to do this. Mr. Seibel added the application submitted proposes a reduction in signage, but stated they will look at decreasing this further. A discussion ensued on the brightness settings for the electronic signage and the age of the current signage.

There were no comments from the Public.

Solicitor Michael Cruny read the following exhibits into the Public Record:

- Exhibit A – Application for Variance;
- Exhibit B – Proof of Publication;
- Exhibit C – Letter to Neighboring Property Owners;
- Exhibit D – Staff memorandum dated August 3, 2022; and
- Exhibit E – Tax Assessment confirming Applicant is owner of the Property.

Chair Sullivan moved to enter Exhibits A-E into the Public Record. Ms. Tysiak seconded the motion. The motion passed on a unanimous voice vote.

Chair Sullivan moved to continue the Public Hearing to the September 12, 2022 Zoning Hearing Board meeting. Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

5. PUBLIC HEARING: CONSIDERATION OF AN APPLICATION FROM MACK & CRUE PROPERTIES, LLC REQUESTING A VARIANCE FROM SECTIONS 245-130A AND 245-130B OF THE ZONING CODE TO ALLOW A MEDICAL CLINIC ON A LOT LESS THAN 2 ACRES IN SIZE AND DOES NOT HAVE FRONTAGE ON AND DIRECT VEHICULAR ACCESS TO AN ARTERIAL OR COLLECTOR STREET FOR THE PROPERTY LOCATED AT 50 BERRY ROAD, WHICH IS DEFINED AS A LOCAL STREET, IN THE I-1 ZONING DISTRICT AND ANY OTHER ZONING RELIEF REQUIRED

Chair Sullivan asked if the Applicant had anything to add to the submitted application. P.J. Krivijanski, representing the Applicant, stated they are attempting to use the building for its

intended purpose. Upon a question from Mr. Stanick, Mr. Krivijanski stated his wife, who is a psychologist, has an existing office located in Elizabeth, Pennsylvania. They would like to open a second location at the Property. He described the practice, stating there will be seven psychologists and/or counselors seeing clients throughout the day. Upon a question from Chair Sullivan, Mr. Krivijanski confirmed 20 patients would be the maximum number on site at any given time.

Chair Sullivan noted the Property's previous use was a medical office and the Applicant seeks to operate a medical clinic, two distinct uses according to the Zoning Code. Chair Sullivan asked Mr. Krivijanski to address how their use will be distinct from a medical office, a less impactful use as defined by the Zoning Code. Mr. Krivijanski expressed his belief their proposed use would be less traffic from a medical office. A discussion ensued on the potential number of individuals present on site at any given time with it being determined 30 or more people could be present. Mr. Krivijanski stated their use will be distinct from a MedExpress medical clinic and will be more personal in nature.

Chair Sullivan asked if it would be possible for the Applicant to restrict the number of people at this facility so there is only one medical doctor and three other professionals at any given time. Mr. Krivijanski stated the practice likely would not be commercially viable if they were required to adhere to this restriction. He stated seven people daily at the location would be ideal.

Chair Sullivan noted Berry Road's categorization as a local road is a concern and asked the Applicant if they have considered asking the Township to reclassify the road. Mr. Krivijanski stated he did not know this was an option. A discussion ensued on how a medical clinic is a distinct higher impact use than a medical office. Chair Sullivan stated he does not see how the proposed use satisfies the standards for variance

Administrative Intern Paris Szalla displayed an aerial map of the Property upon a request from Township Manager Stanick. A discussion ensued on the area surrounding the Property.

Ms. Tysiak requested further clarification on the difference between medical clinic and medical office as defined by the Zoning Code. Chair Sullivan stated his interpretation is predicated on the word "individual" in the first line of the definition for medical office. A medical clinic has multiple medical professionals whereas a medical office has only one with both employing various support staff. A discussion ensued on how the most recent use compares to the proposed use.

Dr. Bryan and Maria Donohue (participating over Zoom), current owners of the building and operator of the previous medical office provided an overview of the scope of their operation and stated they had provided more professionals and served more patients than what is being proposed. Chair Sullivan asked if these activities were in compliance with the Zoning Code. Dr. Donohue stated he cannot speak to this, but they operated for 18 years without any apparent concern or violation. He reiterated the degree of activity proposed is less and stated another physician recently began operations nearby at the intersection of Berry Road and Locust Avenue.

Upon a question from Chair Sullivan, Dr. Donohue reiterated they were not aware if their operations were not compliant with the Zoning Code. He provided additional background on the history of the building, stating when they took ownership, they were not made aware of any zoning issues.

Mr. Stanick read a summary of the minutes from the September 25, 2004 meeting of the Zoning Hearing Board, when an application for a parking setback variance was considered. He stated there was discussion at the time on the permissibility of a doctor's office at the site and it was determined by the ZHB at this time the use was a medical office. Chair Sullivan asked why the Applicant's use is being considered a medical clinic. Mr. Stanick stated it was due to their being multiple medical professionals, where a medical office is one doctor with support staff.

Mr. Cruny stated that while the ZHB may look at the definition of medical clinic versus medical office, the issue in front of them right now is in regard to the lot size and road classification variance requests. He stated the Zoning Officer has made the determination it is a medical clinic and should be treated as such. Chair Sullivan indicated the Zoning Officer's determination is what is current and it should therefore be treated as a medical clinic.

Chair Sullivan moved to deny the request for a variance from Sections 245-130A and 245-130B of the Zoning Code to allow a medical clinic on a lot less than 2 acres in size and does not have frontage on and direct vehicular access to an arterial or collector street for the property located at 50 Berry Road in the I-1 zoning district. Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

Mr. Cruny read the following items into the Public Record:

- Exhibit A – Application for Variance;
- Exhibit B – Proof of Publication;
- Exhibit C – Letter to Neighboring Property Owners;
- Exhibit D – Staff Memorandum dated August 3, 2022; and
- Exhibit E – Tax Assessment indicating Berry Professional Assoc. as Property owners.

Chair Sullivan moved to enter Exhibits A-E into the Public Record. Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

A discussion ensued on the potential reclassification of Berry Road.

6. PUBLIC HEARING: CONSIDERATION OF AN APPLICATION FOR A USE BY SPECIAL EXCEPTION FROM SHERRI HEWITT-LAIRD FOR THE PROPERTY LOCATED AT 1 HUMBERT LANE IN THE R-3 ZONING DISTRICT TO CHANGE THE USE FROM DELICATESSEN TO PROFESSIONAL OFFICES PER SECTION 245-191C OF THE ZONING CODE REGARDING THE CHANGE OF NONCONFORMING USES AND ANY OTHER ZONING RELIEF REQUIRED

Sherri Hewitt-Laird ("Applicant") provided an overview of the request. She stated they wish to put in offices operating Monday through Friday from 8:30 a.m. through 5:00 p.m. She stated at any given time there would be no more than eight people on site and her belief there are 15

parking spaces. Ms. Hewitt-Laird stated her company provides in-home care for seniors, so there would be no patients or customers coming to the facility.

Chair Sullivan inquired on the need for an addition to the building. Ms. Hewitt-Laird stated there is no addition proposed and she did not have a current drawing at the time of submission. Ms. Hewitt-Laird distributed updated drawings showing their proposed operations. She stated they will change the signage and likely remove the lighting at the front of the building.

Scott DeBolt, representing Humbert Lane Associates, owner of the building across the street located at 997 North Main Street, expressed his pleasure the building is going to be purchased and expressed a desire to be a good neighbor. He expressed his concern regarding the parking at the building and the potential for any overflow parking onto his property. He stated they have no additional parking and it costs them \$350 to have vehicles towed. Ms. Hewitt-Laird stated there would be no issues with this as they have 15 spaces. A discussion ensued on parking.

Steve Mason, resident on North Main Street, stated they are a property owner within 300 feet and expressed concern over the impact a new business would have on the neighborhood. Chair Sullivan stated if the request is approved, the hours of operation will be 8:30 a.m. through 5:00 p.m., Monday through Friday. Ms. Hewitt-Laird confirmed these hours and stated she may be required to be there after hours by herself at times. Upon a question from Mr. Mason, Ms. Hewitt-Laird confirmed there will be no expansion of the building or additional lighting. Mr. Mason expressed concern over the safety of the intersection of Humbert Lane and North Main Street.

Ms. Hewitt-Laird expressed a desire for the building to fit in with the character of the neighborhood. Mr. Mason expressed a concern over noise during trash pickup and lighting. A discussion ensued on trash pickup at Mr. DeBolt's property. A discussion ensued on lighting and zoning ensued. Mr. Mason expressed his appreciation for the ZHB's scrutinization of different issues to ensure the Township remains an attractive community.

Mr. Crunty read the following items into the Public Record:

- Exhibit A – Application for Use by Special Exception;
- Exhibit B – Proof of Publication;
- Exhibit C – Letter to Neighboring Property Owners;
- Exhibit D – Staff memorandum dated August 3, 2022;
- Exhibit E – Tax Assessment indicating Humbert Main Land as Property owners; and
- Exhibit F – Floor Plan.

Chair Sullivan moved to enter Exhibits A-F into the Public Record. Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

After a discussion regarding business hours, Ms. Hewitt-Laird requested they be permitted to operate until 6:00 p.m. with the understanding she may be there late periodically while the office is closed. Mr. Mason indicated this was acceptable. Following clarification on parking and the maximum number of individuals at the Property, Chair Sullivan suggested placing a condition of

a maximum of 10 people on site at a time, to which Ms. Hewitt-Laird agreed. A discussion on signage, lighting and the adjacent paper street ensued.

Chair Sullivan moved to approve the request for a Use by Special Exception for the property located at 1 Humbert Lane in the R-3 Zoning District to change the use from delicatessen to professional offices with the following conditions: i) regular business hours from 8:30 a.m. through 6:00 p.m. with the understanding there will be exceptions; ii) up to 10 individuals may be on site at any one time and; and iii) the building will not be expanded upon . Mr. Stewart seconded the motion. The motion passed on a unanimous voice vote.

7. PUBLIC COMMENT TIME

The ZHB allocates a period of time during this item for those individuals who would like the opportunity to address the ZHB on any matter. Each person addressing the ZHB is asked to limit their comments to a maximum of three (3) minutes.

There were no comments from the Public.

8. ADJOURNMENT

As there was no further business to come before the ZHB, Chair Sullivan moved to adjourn. Mr. Stewart seconded the motion and the meeting adjourned at 7:22 p.m.

Respectfully Submitted,

Brandon J. Stanick
Township Manager / Zoning Officer